THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 25119 of 2006

Oral order:

Assailing the proceedings in Memo dated 27.11.2006, issued by the 2nd respondent, namely the Superintending Engineer, posting the petitioner to work as UDC under the control of Assistant Accounts Officer/ERO/Manthani, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that since the petitioner earlier filed writ petition in W.P. No. 9643 of 2005, questioning her reversion order, and upon the failure of the respondents to implement the interim orders and final orders passed therein, she filed contempt case in C.C. No. 43 of 2006, in which this Court directed the appearance of the 1st and 2nd respondents, the 2nd respondent issued the impugned order, posting her to Manthani, which is about 70 K.Ms. away from Karimnagar, where she was working at the time of filing the writ petition as UDC. He submitted that once the respondents have initiated departmental enquiry at Karimnagar, there is no reason to post the petitioner to Manthani, and contends that the action of the respondents in posting the petitioner to Manthani, being vindictive prayed that the impugned order be set aside and the writ petition be allowed.

On the other hand, the learned Standing Counsel for the respondents-AP NPDCL submitted that as there is no vacancy of UDC in Karimnagar, she was posted in the existing vacancy of UDC to work under the control of Assistant Accounts Officer/ERO/Manthani, and that too pending finalization of the departmental enquiry initiated. He submitted that the respondents want to keep the petitioner at Manthani

till the conclusion of the departmental enquiry, and they would pay TA & DA to the petitioner as and when she attends the departmental enquiry at Karimnagar.

Having regard to the stand taken by the Standing Counsel for the respondents that the posting of the petitioner to Manthani, is pending finalization of the departmental enquiry, and that the respondents would pay TA & DA to the petitioner as and when she attends the departmental enquiry, without expressing any opinion on the merits or otherwise of the impugned posting orders, and more so when it is made pending finalization of the departmental enquiry, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents, as agreed to by their Standing Counsel, shall pay TA & DA to the petitioner as and when she is called for the departmental enquiry.

At this stage, the learned counsel for the petitioner submitted that a vacancy of UDC is likely to arise in the near future at Karimnagar, and the respondents may be directed to accommodate the petitioner in the said post. It is for the petitioner to make appropriate representation if any vacancy of UDC arises in Karimnagar, and if any such representation is made, the respondents may consider the same.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 1st December, 2006.
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